IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO : 19255 of 2003

Between:

Smt. N.S.Noorjahan w/o. N.A.Abdul Salam
H.No.25/668 Havannapet,
Adoni, Kurnool District

..... PETITIONERS

AND

Sree Mahayogi Lakshmamma Co-operative Bank Limited, Flower Bazar,
Adoni,Kurnool Dist., through its Manager,

Muralikumar.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature

of writ of certiorari by calling for all the connected records including sale notice dated 7-7-03 of the respondent and quash the same as illegal improper unjust and with out jurisdiction and also violative of Article 14 of the constitution of India and consequently direct the respondent not to proceed with the sale of house property bearing No.25/668 situated in Havannapet, Adoni Kurnool district pending the disposal of OP.10/03 on the file of Cooperative Tribunal Hyderabad, in the interest of Justice.

Counsel for the Petitioner:MR.SURENDRA DESAI

Counsel for the Respondent : Dr. P.B. Vijaya Kumar.

The Court made the following :

ORAL ORDER:

(Per Hon'ble The Chief Justice)

....

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002, dated 8th April, 2004 (MARDIA CHEMICALS LTD. Vs. UNION OF INDIA & OTHERS), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, the relief prayed for cannot be granted. Writ petition is, therefore, dismissed. No costs.

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DEVINDER GUPTA. C.J.,

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G. ROHINI. J.,

Dated: 15.07.2004.

VRK.

To

1. Sri Murali Kumar, Manager, Sree Mahayogi
   Lakshmamma Cooperative Bank Limited,
   Flower Bazar, Adoni, Kurnool Dist.

2 CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE Ms. JUSTICE G. ROHINI.

W.P.NO. 19255 OF 2003.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 15.07.2004.

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